

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

RUBEN J. BONTTY,

Plaintiff, No. CIV S-04-1491 GEB KJM P

vs.

CAPTAIN S. J. VANCE, et al.,

Defendants. FINDINGS AND RECOMMENDATIONS

On July 29, 2004, plaintiff filed a complaint for violation of civil rights under 42 U.S.C. § 1983. With his complaint, plaintiff submitted an incomplete application to proceed in forma pauperis. On August 31, 2004, the court ordered plaintiff to submit a new application to proceed in forma pauperis. Plaintiff was specifically informed that the "certificate" portion of the application appearing on page 2 must be completed and, with his application, plaintiff must submit a certified copy of his prisoner trust account statement for the preceding six months.

Plaintiff was informed that failure to comply with the court's August 31 order would result in a recommendation that this action be dismissed without prejudice.

On September 7, 2004, plaintiff submitted a second application to proceed in forma pauperis. However, the "certificate" section found on page 2 is, again, incomplete and plaintiff did not submit the required copy of his prisoner trust account statement.

Accordingly, IT IS HEREBY RECOMMENDED that this action be dismissed without prejudice.

These findings and recommendations are submitted to the United States District Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within twenty days after being served with these findings and recommendations, plaintiff may file written objections with the court and serve a copy on all parties. Such a document should be captioned “Objections to Magistrate Judge’s Findings and Recommendations.” Plaintiff is advised that failure to file objections within the specified time may waive the right to appeal the District Court’s order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

DATED: June 27, 2005.


UNITED STATES MAGISTRATE JUDGE

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